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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NATIONAL WILDLIFE FEDERATION,
AMERICAN RIVERS, PACIFIC COAST
FEDERATION OF FISHERMEN'S ASSOCIATIONS,
INSTITUTE FOR FISHERIES RESOURCES,
SIERRA CLUB, IDAHO RIVERS UNITED,
NORTHWEST SPORTFISHING INDUSTRY
ASSOCIATION, NW ENERGY COALITION,
COLUMBIA RIVERKEEPER, IDAHO
CONSERVATION LEAGUE, and FLY FISHERS
INTERNATIONAL, INC.,

Civ. No. 3:01-cv-00640-SI

SECOND JOINT MOTION TO
ADJUST BRIEFING SCHEDULE
FOR PRELIMINARY INJUNCTION
MOTIONS

Plaintiffs,

and

STATE OF OREGON, SPOKANE TRIBE OF
INDIANS, and COEUR D'ALENE TRIBE,

Intervenor-Plaintiffs,

v.

NATIONAL MARINE FISHERIES SERVICE, U.S.
ARMY CORPS OF ENGINEERS, U.S. BUREAU OF
RECLAMATION, and U.S. FISH AND WILDLIFE
SERVICE,

Defendants,

and

PUBLIC POWER COUNCIL, COLUMBIA-SNAKE
RIVER IRRIGATORS ASSOCIATION,
NORTHWEST RIVER PARTNERS,
CONFEDERATED SALISH AND KOOTENAI
TRIBES, STATE OF MONTANA, INLAND PORTS
AND NAVIGATION GROUP, STATE OF IDAHO,
and KOOTENAI TRIBE OF IDAHO,

Intervenor-Defendants.

COME NOW the NWF plaintiffs, State of Oregon, and the Federal Defendants, with the support of the Nez Perce Tribe, and respectfully move the Court for a further short adjustment of two weeks to the briefing schedule for the plaintiffs' and intervenor-plaintiff's motions for a preliminary injunction as currently set forth in the Court's Scheduling Orders, ECF 2335 (Apr. 2, 2021) and ECF 2400 (Sept. 10, 2021), to allow additional time to conclude the discussions these parties have been pursuing. The proposed revised briefing schedule would be as follows:

1. Any unaligned *amicus curiae* briefs addressing the preliminary injunction motions that are currently due by October 15, 2021, shall be filed by **October 29, 2021**.
2. Any opposition to the motions for a preliminary injunction, and any supporting papers from any party or *amicus*, that are currently due by November 5, 2021, shall be filed by **November 19, 2021**.
3. Any reply in support of a motion for a preliminary injunction, and any supporting papers from any party or *amicus*, that are currently due on January 14, 2022, shall be filed by

January 28, 2022.

4. By **February 4, 2022**, the parties will file a joint statement setting forth their views regarding whether there is a need for an evidentiary hearing. This joint statement is currently due on January 21, 2022. In that statement, any party may request an evidentiary hearing on the preliminary injunction motions and state their views as to why such a hearing is necessary or appropriate, and any other party may provide a separate statement responding to such a request. Thereafter, the Court will schedule such proceedings on the preliminary injunction motion as it determines are appropriate. The schedule anticipates the Court will allow oral argument or, if requested and granted by the Court, an evidentiary hearing in February of 2022 with a decision as soon thereafter as the Court's schedule permits.

Except as set forth above, the parties to this Second Joint Motion do not seek any further changes to the Court's Scheduling Orders and all other provisions of the Court's Scheduling Orders should remain in effect except as requested above.

Pursuant to Local Rules, the parties to this Second Joint Motion have informed the other parties and *amici* in this case of the Motion and none have objected.

Counsel for the Federal Defendants, State of Oregon, and Nez Perce Tribe have authorized counsel for the NWF plaintiffs to submit this Second Joint Motion on their behalf.

Dated this 8th day of October, 2021.

/s/ Todd D. True

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the Court's CM/ECF filing system, which will send notice of the filing upon all parties registered in the CM/ECF system for this matter.

DATED: October 8, 2021.

/s/ Todd D. True

TODD D. TRUE